IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 382 of 2005.
Date of Decision: December 14, 2006.

Sohan Singh

....**Petitioner**

through
Mr. Kanwaljit Singh, Advocate

Versus

Jiwan Singh & Anr.

...**Respondents**

through
Mr. Hitesh Kaplish, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This contempt petition has been filed, *inter-alia,* alleging willful breach of the interim order dated 13.12.1999 passed by this Court in RSA No.4850 of 1999. Vide the aforementioned order, the present petitioner and one Santokh Singh were restrained from forcibly evicting Jiwan Singh and Davinder Kaur-respondents No. 1 and 2. Similarly, Jiwan Singh and Davinder Kaur, aforesaid, were directed not to restrain Sohan Singh and Santokh Singh from entering into the land till further orders.

The parties are closely related and the dispute pertains to the property left by their grand father – Bhupa Singh. It is stated that both the parties are primarily residing in Canada. However, they oftenly keep on

visiting India and visit the disputed property.

From the record, it is also apparent that Sohan Singh – petitioner, who is respondent in the Regular Second Appeal has been compelled to initiate the contempt proceedings on more than one occasions. It is stated that he is quite old person and despite a specific restraint order passed by this Court, the respondents herein are not permitting him to enter the disputed property.

Respondent No.1 has also filed contempt petition which is stated to be still pending.

There appears to be some substance in the allegations made by the petitioner which is apparent from the fact that respondents No. 2 and 3 were reluctant to appear in these contempt proceedings and their presence had to be secured through bailable warrants.

Learned counsel for the parties have been heard and in order to ensure that the interim order passed by this Court in the aforesaid RSA is faithfully complied with by both of them, a workable solution is being devised in the form of the following directions:-

(i) as and when the petitioner visits India, he shall intimate in writing to the SHO of the Police Station concerned, who shall depute a police official in the rank of Head Constable or ASI, subject to availability, who shall accompany the petitioner and make it sure that he is allowed to enter and stay in the subject property and an undertaking to this effect shall be taken by the said police official from the respondents;

(ii) if the petitioner still complains that his entry or stay

in the subject property is being obstructed by the respondents, the SHO of the Police Station concerned shall hold an inquiry and if he finds that there is substance in the allegations, shall register an appropriate criminal case against the respondents and shall proceed in accordance with law;

(iii) both the parties shall not raise any kind of construction over the subject property except that they may renovate/maintain the respective parts in their possession;

(iv) the expression "petitioner" and/or "respondents" wherever used in this order, shall include their respective attorneys also.

Disposed of.

Rule discharged.

December 14, 2006. **(SURYA KANT)**
dinesh **JUDGE**